



State of Wisconsin \ Department of Commerce

Report From Agency

# RULES in FINAL DRAFT FORM

**Rule No.:** Chapters Comm 5, 20, 21, 22 and 27

**Relating to:** Installation of Manufactured Homes

**Clearinghouse Rule No.:** 06-071

# RULE REPORT

## Department of Commerce

Clearinghouse Rule No.: 06-071

Rule No.: Chapters Comm 5, 20, 21, 22 and 27

Relating to: Installation of Manufactured Homes

*Contact person for substantive questions:*

Name Larry Swaziek

Title Program Manager

Telephone Number 608/267-7701

*Contact person for internal processing:*

Name Jim Quast

Title Program Manager

Telephone Number 608/266-9292

1. Basis and purpose of the proposed rule.

The proposed rules consist of new requirements in chapters Comm 5 and 20 to address the licensure of manufactured home installers, and the installation and inspection of manufactured homes.

2. How the proposed rule advances relevant statutory goals or purposes.

The proposed rules fulfill the statutory mandates dictate in 2005 Wisconsin Act 45. Section 101.96 (1) (a), Stats., requires the Department of Commerce to establish installation standards for the safe installation of manufactured homes in this state. Section 101.96 (1) (b), Stats., requires the department to establish a method for ensuring compliance with the installation standards, and to establish criteria for the licensure of 3rd party inspectors. Section 101.96 (2), Stats., requires the department to establish a program for the licensure of manufactured home installers. The installer license program must include license eligibility, an examination, an examination waiver procedure, license term, and license fees.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No changes have occurred for the rule analysis or the fiscal estimate prepared for the public hearing.

# FINAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Commerce

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☒ Final regulatory flexibility analysis not required. (Statement of determination required.)

The proposed rules reflect the mandates of 2005 Wisconsin Act 45 which was proposed and supported by the Wisconsin Housing Alliance. Members of this group include manufactured home installers, dealers, manufacturers and manufactured home community owners. Act 45 was the result of a federal HUD initiative under 24 CFR Part 3285. The Department believes that the proposed rules would have a minimal additional impact on small business based upon a determination from HUD which indicated that the costs and cost impacts do not represent a significant economic effect on either an industry wide or per-home basis. (Federal Register/Vol. 70, No. 79/ Tuesday, April 26, 2005 p. 21516)

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

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3. Nature and estimated cost of preparation of any reports by small businesses.
4. Nature and estimated cost of other measures and investments required of small businesses.
5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.
6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

## Department of Commerce

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RELATING TO: Installation of Manufactured Homes

Agency contact person for substantive questions.

Name: Larry Swaziek

Title: Program Manager

Telephone No. 608/267-7701

Legislative Council report recommendations accepted in whole.

☒ Yes

☐ No

1. Review of statutory authority [s. 227.15(2)(a)]

- a. ☐ Accepted
- b. ☐ Accepted in part
- c. ☐ Rejected
- d. ☐ Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

- a. ☐ Accepted
- b. ☐ Accepted in part
- c. ☐ Rejected
- d. ☐ Comments attached

*(Continued on reverse side)*

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. ☐ Accepted
  - b. ☐ Accepted in part
  - c. ☐ Rejected
  - d. ☐ Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. ☐ Accepted
  - b. ☐ Accepted in part
  - c. ☐ Rejected
  - d. ☐ Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. ☐ Accepted
  - b. ☐ Accepted in part
  - c. ☐ Rejected
  - d. ☐ Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. ☐ Accepted
  - b. ☐ Accepted in part
  - c. ☐ Rejected
  - d. ☐ Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. ☐ Accepted
  - b. ☐ Accepted in part
  - c. ☐ Rejected
  - d. ☐ Comments attached